

Remarks

Claims 50 and 51 are pending in this application.

35 U.S.C. §102

**Campbell (GB 303,593)**

On page 2 of the Office Action, paragraph 2, claims 50 to 53 were rejected under 35 U.S.C. §102 (b) as being anticipated by Campbell (GB 303,593).

Applicants respectively traverse to the extent this rejection is applied to the claims as presented.

Claim 50 has now been amended to limit the claim to a pouch as recited, wherein the first lateral edge and the second lateral edge each comprise a heat seal. No new matter has been added, the new claim limitation finding support in the specification as filed at e.g. page 2, lines 3 to 7; page 7, lines 18 to 21; page 10, lines 27 to 31; page 11, lines 18 to 26; and page 14, lines 5 to 15; and Figures 1 to 5, 12A and 12B, and 13A and 13B. The Office Action does not identify any teaching in Campbell that shows a pouch as recited in claim 50, wherein the first lateral edge and the second lateral edge each comprise a heat seal.

Claim 51 is dependent on claim 50, and thus includes the added limitation discussed above.

Applicant also separately submits, with respect to claim 51, that the Office Action does not identify any teaching in Campbell that shows a pouch as recited in claim 50 wherein at least one of the first and the second lateral edges is substantially S-shaped.

Applicant therefore respectfully submits that claims 50 and 51 as now presented are novel over, and not anticipated by or rendered obvious in view of, Campbell.

**Poux (US 2,562,121)**

On page 2 of the Office Action, paragraph 3, claims 50 to 53 were rejected under 35 U.S.C. §102 (b) as being anticipated by Poux (US 2,562,121).

Applicants respectively traverse to the extent this rejection is applied to the claims as presented.

The Office Action does not identify any teaching in Poux that shows a pouch having a first lateral edge and a second lateral edge, each of the first and the second lateral edges comprising a concave surface and a convex surface, wherein the concave surface of the first lateral edge is substantially opposite the convex surface of the second lateral edge and the convex surface of the first lateral edge is substantially opposite the concave surface of the second lateral edge (see claim 50). Poux shows a therapeutic device having a plurality of compartments or cells 2 (column 2, lines 24 to 25) and compartments or cells 3 (column 2, lines 28 to 29) in which each mating compartment 2 and 3 have therebetween a straight strip of material 6. If viewed as two separate "pouches" for purposes of comparison with claim 50 (one pouch holding a hot or cold liquid, and one pouch holding air; see column 4, lines 2 to 14), then each cell 2 defined by material 5 and strip 6 forms a "pouch" having a straight lateral edge, defined by strip 6, and an essentially concave lateral edge, defined by material 5. If each cell 6 is viewed as combined with a corresponding compartment 3, then a "pouch" with two essentially concave lateral edges results.

Claim 51 is dependent on claim 50, and thus includes the limitations of those claims.

Applicant also separately submits, with respect to claim 51, that the Office Action does not identify any teaching in Poux that shows a pouch as recited in claim 50 wherein at least one of the first and the second lateral edges is substantially S-shaped.

Applicant therefore respectfully submits that claims 50 and 51 as now presented are novel over, and not anticipated by or rendered obvious in view of, Poux.

#### **Palmer (US 1,726,761)**

On page 2 of the Office Action, paragraph 4, claims 50 to 53 were rejected under 35 U.S.C. §102 (b) as being anticipated by Palmer (US 1,726,761).

Applicants respectively traverse to the extent this rejection is applied to the claims as presented.

As indicated above, claim 50 has now been amended to limit the claim to a pouch as recited, wherein the first lateral edge and the second lateral edge each comprise a heat seal. The Office Action does not identify any teaching in Palmer that shows a pouch as recited in claim 50, wherein the first lateral edge and the second lateral edge each comprise a heat seal.

Claim 51 is dependent on claim 50, and thus includes the added limitation discussed above.

Applicant also separately submits, with respect to claim 51, that the Office Action does not identify any teaching in Palmer that shows a pouch as recited in claim 50 wherein at least one of the first and the second lateral edges is substantially S-shaped.

Applicant therefore respectfully submits that claims 50 and 51 as now presented are novel over, and not anticipated by or rendered obvious in view of, Palmer.

**Hytken (US 1,804,343)**

On page 2 of the Office Action, paragraph 5, claims 50 to 53 were rejected under 35 U.S.C. §102 (b) as being anticipated by Hytken (US 1,804,343).

Applicants respectively traverse to the extent this rejection is applied to the claims as presented.

As indicated above, claims 50 has now been amended to limit the claim to a pouch as recited, wherein the first lateral edge and the second lateral edge each comprise a heat seal. The Office Action does not identify any teaching in Hytken that shows a pouch as recited in claim 50, wherein the first lateral edge and the second lateral edge each comprise a heat seal.

Claim 51 is dependent on claim 50, and thus includes the added limitation discussed above.

Applicant also separately submits, with respect to claim 51, that the Office Action does not identify any teaching in Hytken that shows a pouch as recited in claim 50 wherein at least one of the first and the second lateral edges is substantially S-shaped.

Applicant therefore respectfully submits that claims 50 and 51 as now presented are novel over, and not anticipated by or rendered obvious in view of, Hytken.

**Gautier et al. (US 4,603,433)**

On page 2 of the Office Action, paragraph 6, claims 50 to 53 were rejected under 35 U.S.C. §102 (b) as being anticipated by Gautier et al. (US 4,603,433).

Applicants respectively traverse to the extent this rejection is applied to the claims as presented.

The Office Action does not identify any teaching in Gautier et al. that shows a pouch having a first lateral edge and a second lateral edge, each of the first and the second lateral edges comprising a concave surface and a convex surface, wherein the concave surface of the first lateral edge is substantially opposite the convex surface of the second lateral edge and the convex surface of the first lateral edge is substantially opposite the concave surface of the second lateral edge (see claim 50). Instead, Gautier et al disclose a bag having an essentially concave lateral edge (see the left side of bag 1 of Figures 1 through 4) and a second, convex lateral edge (see the right side of bag 1 of Figures 1 through 4). Thus, Gautier et al. do not appear to show a pouch having a first lateral edge comprising a concave surface and a convex surface, and a second lateral edge comprising a concave surface and a convex surface.

Applicant also submits, with respect to claim 51, that the Office Action does not identify any teaching in Gautier et al. that shows a pouch as recited in claim 50 wherein at least one of the first and the second lateral edges is substantially S-shaped.

Applicant therefore respectfully submits that claims 50 and 51 as now presented are novel over, and not anticipated by or rendered obvious in view of, Gautier et al.

Applicant asks for allowance of claims 50 and 51.

Please charge any additional fees which may be required to Deposit Account No. 07-1765.

Respectfully submitted,



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